

AN ORDINANCE ENUMERATING POSITIONS IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEARS ENDING JUNE 30, 2023~~2~~, AND JUNE 30, 2024~~3~~ CONTINUING, CREATING, OR ESTABLISHING THESE POSITIONS; ENUMERATING AND INCLUDING THEREIN ALL POSITIONS CREATED BY CHARTER OR STATE LAW FOR WHICH COMPENSATIONS ARE PAID FROM CITY AND COUNTY FUNDS AND APPROPRIATED IN THE ANNUAL APPROPRIATION ORDINANCE; AUTHORIZING APPOINTMENTS OR CONTINUATION OF APPOINTMENTS THERETO; SPECIFYING AND FIXING THE COMPENSATIONS AND WORK SCHEDULES THEREOF; AND AUTHORIZING APPOINTMENTS TO TEMPORARY POSITIONS AND FIXING COMPENSATIONS THEREFORE.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO.

SECTION 1. ESTABLISHMENT, CREATION AND CONTINUATION OF POSITIONS.

In accordance with the provisions of the Administrative Code, the positions hereinafter enumerated under the respective departments are hereby created, established, or continued for the fiscal year ending June 30, 2023~~2~~. Positions created or authorized by Charter or State law, compensations for which are paid from City and County funds and appropriated in the Annual Appropriation Ordinance, as that ordinance may be modified during the fiscal year in supplemental appropriation or deappropriation ordinances (together "Annual Appropriation Ordinance"), are enumerated and included herein.

The word "position" or "positions" as used in the ordinance shall be construed to include office or offices, and the word "employee" or "employees" shall be construed to include officer or officers. The terms "requisition" and "request to fill" are intended to be synonymous and shall be construed to mean a position authorization that is required by the Charter.

Section 1.1. APPOINTMENTS AND VACANCIES - PERMANENT POSITIONS.

Section 1.1A. Appointing officers as specified in the Charter are hereby authorized, subject to the provisions of this ordinance, to make or continue appointments as needed during the fiscal year to permanent positions enumerated in their respective sections of this ordinance. Such appointments shall be made in accordance with the provisions of the Charter. Appointing officers shall not make an appointment to a vacancy in a permanent position until the request to fill for such position is approved by the Controller. Provided further, that if the Mayor declares an intent to approve requests to fill due to unanticipated financial reasons, appointing officers shall not make an appointment to a vacancy in a permanent position until the request to fill for such position is approved by the Mayor. Provided further, that if changes occur to the classification, compensation, or duties of a permanent position, appointing officers shall not make an appointment to a vacancy in such position until the request to fill for such position is approved by the Department of Human Resources. Provided further, that in order to prevent the stoppage of essential services, the Human Resources Director may authorize an emergency appointment pending approval or disapproval of a request to fill, if funds are available to pay the compensation of such emergency appointee.

Provided that if the proposed employment is for inter-departmental service, the Controller shall approve as to conformity with the following inter-departmental procedure. Appointing officers shall not authorize or permit employees to work in inter-departmental service unless the following provisions are satisfied. The payment of compensation for the employment of persons in inter-departmental service shall be

within the limit of the funds made available by certified inter-departmental work orders and such compensation shall be distributed to the inter-departmental work orders against which they constitute proper detailed charges.

A. If the appointing officer is unable to employ a qualified person to cover the work schedule of a position herein established or authorized, the appointing officer, subject to the provisions of this ordinance and the Annual Appropriation Ordinance and with the approval of the Department of Human Resources, may in the appointing officer's discretion employ more than one person on a lesser work schedule but the combined salaries shall not exceed the compensation appropriated for the position, or may appoint one person on a combined work schedule but subject to the limitation of the appropriation and the compensation schedule for the position and without amendment to this ordinance.

B. Where a vacancy exists in a position, the Human Resources Director may and is hereby authorized to approve a temporary (diverted) request to fill in a different class, provided that the Controller certifies that funds are available to fill that vacancy on this basis, and provided that no action taken as a result of the application of this section will affect the classification of the position concerned as established in the Annual Appropriation Ordinance and this ordinance.

An appointing officer, subject to the provisions of this ordinance, the Annual Appropriation Ordinance, the Controller's certification of funds, and Civil Service certification procedures, may employ more than one person on a combined work schedule not to exceed the permanent full-time equivalent, or may combine the appropriations for more than one permanent part-time position in order to create a single full-time equivalent position limited to classifications of positions herein established or authorized and their respective compensation schedules. Such changes shall be reported to the Department of Human Resources and the Controller's office. No full-time equivalent position which is occupied by an employee shall be reduced in hours without the voluntary consent of the employee, if any, holding that position. However, the combined salaries for part-time positions created shall not exceed the compensation appropriated for the full-time position, nor will the salary of a single full-time position created exceed the compensation appropriated for part-time positions. Each permanent part-time employee shall receive the same benefits as existing permanent part-time employees. The funding of additional fringe benefit costs subject to availability of funds will be from any legally available funds.

Section 1.1B. The Human Resources Director is solely authorized to administratively adjust the terms of this ordinance as follows:

- A. To change the classification of a position provided that the rate of pay is the same or less and the services are in the same functional area.
- B. To adjust the compensation of a position pursuant to an approved Memorandum of Understanding or ordinance.
- C. To reflect the initial rates of compensation for a newly established classification, excluding classes covered under Administrative Code Sections 2A.76 and 2A.90.
- D. To add positions funded in accordance with section 10.22 of the Annual

Appropriation Ordinance, regarding Professional Service Contracts, and section 26 of the Annual Appropriation Ordinance, regarding work order appropriations.

The Department of Human Resources shall promptly notify the Controller, the Clerk of the Board, the Mayor's Office and the affected department(s) if the Human Resources Director takes such actions as authorized above.

Section 1.1C. Provided further, that if requests to fill for vacant permanent positions issued by departments where the appointing officers are elected officials enumerated in Article II and Section 6.100 of the Charter (the Board of Supervisors, Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff and Treasurer) are approved by the Controller and are not approved or rejected by the Mayor and the Department of Human Resources within 15 working days of submission, the requests to fill shall be deemed approved. If such requests to fill are rejected by the Mayor and/or the Department of Human Resources, the appointing officers listed above may appeal that rejection in a hearing before the Budget and Finance and/or Budget and Appropriations Committee of the Board of Supervisors, and the Board of Supervisors in its discretion may then grant approval of said requests to fill.

Section 1.1D. The Human Resources Director is authorized to make permanent exempt appointments for a period of up to 6 months to permit simultaneous employment of an existing City employee who is expected to depart City employment and a person who is expected to be appointed to the permanent position previously held by the departing employee when such an appointment is necessary to ensure implementation of successful succession plans and to facilitate the transfer of mission-critical knowledge within City departments.

Section 1.1E. The Human Resources Director, with concurrence of the Controller, is authorized to adjust the terms of this ordinance to reflect the conversion of temporary positions to a permanent position(s) when sufficient funding is available and conversion is needed either (A) to maintain services when elimination of temporary positions is consistent with the terms of Memoranda of Understanding or (B) to address City staffing needs created by the San Francisco Housing Authority's changing scope of work, or (C) when the Human Resources Director determines the conversion is warranted and the Controller certifies that the conversion will not require additional salary appropriation in that fiscal year and the subsequent fiscal year.

## Section 1.2. APPOINTMENTS-TEMPORARY POSITIONS.

Section 1.2A. Temporary appointments to positions defined by Charter Section 10.104(16) as seasonal or temporary positions may be made by the respective appointing officers in excess of the number of permanent positions herein established or enumerated and such other temporary services as required at rates not in excess of salary schedules if funds have been appropriated and are available for such temporary service. Such appointments shall be limited in duration to no more than 1040 hours in any fiscal year. No appointment to such temporary or seasonal position shall be made until the Controller has certified the availability of funds, and the request to fill for such service is approved by the Controller and the Department of Human Resources. Provided further that in order to prevent the stoppage of essential services, the Human Resources Director may authorize an emergency appointment pending approval or disapproval of the request to fill, if funds are available to pay the compensation of such emergency appointee. No such appointment shall continue beyond the period for which the

Controller has certified the availability of funds. Provided that if the proposed employment is for inter-departmental service, the Controller shall approve as to conformity with the following inter-departmental procedure. Appointing officers shall not authorize or permit employees to work in inter-departmental service unless the following provisions are complied with. The payment of compensation for the employment of persons in inter-departmental service shall be within the limit of the funds made available by certified inter-departmental work orders and such compensation shall be distributed to the inter-departmental work orders against which they constitute proper detailed charges.

Section 1.2B. Temporary Assignment, Different Department. When the needs and the best interests of the City require, appointing officers are authorized to arrange among themselves the assignment of personnel from one department to another department on a temporary basis. Such temporary assignments shall not be treated as transfers, and may be used to alleviate temporary seasonal peak-load situations, complete specific projects, provide temporary transitional work programs to return injured employees to work, or other circumstances in which employees from one department can be effectively used on a temporary basis in another department. All such temporary assignments between departments shall be reviewed and approved by the Department of Human Resources.

Section 1.3. EXCEPTIONS TO NORMAL WORK SCHEDULES FOR WHICH NO EXTRA COMPENSATION IS AUTHORIZED.

Employees appointed to salaried classifications (i.e., designated -Z symbol) shall work such hours as may be necessary for the full and proper performance of their duties and shall receive no additional compensation for work on holidays or in excess of eight hours per day for five days per week, but may be granted compensatory time off under the provisions of any applicable Memorandum of Understanding or ordinance. Provided that, subject to the fiscal provisions of the Charter and the availability of funds, the Human Resources Director may suspend the provisions of this section to allow overtime payment. Approval of overtime payments shall be limited to extraordinary circumstances in which employees are required to work a significant number of hours in excess of their regular work schedules for a prolonged period of time, with a limited ability to use compensatory time off. Further, such payment shall be consistently applied to all personnel in a class.

## SECTION 2. COMPENSATION PROVISIONS.

Section 2.1. PUC EMPLOYEES ASSIGNED TO HETCH HETCHY AND RECREATION AND PARK EMPLOYEES PERMANENTLY ASSIGNED TO CAMP MATHER.

The Public Utilities Commission and Recreation and Park Department will pay a stipend of \$447.19~~443.43~~ per month to employees residing in designated zip code areas enrolled in the Health Services System with employee plus two or more dependents where HMOs are not available and such employees are limited to enrollment to the City Plan I. The Public Utilities Commission will pay a stipend of \$130.19~~129.10~~ per month to employees residing in designated zip code areas enrolled in the Health Services System with employee plus one dependent where HMOs are not available and such employees are limited to enrollment to City Plan I. These rates may be adjusted by the Health Service System Board to reflect the increase in premiums effective January 1, 2023~~2~~. The City reserves the right to either reimburse the affected employees or provide an equivalent amount directly to the Health

Services System.

## Section 2.2. MOVING EXPENSES.

Where needed to recruit employees to fill Department Head, Deputy Director or Manager Level IV or higher (Manager V or higher for SFMTA) positions, an appointing authority may authorize the expenditure of pre-offer recruitment expenses, such as interview travel expenses, and reimbursement of post-offer expenses, such as moving, lodging/temporary housing and other relocation costs, not to exceed \$24,385~~3,181~~. Reimbursement will be made for actual expenses documented by receipts. As an alternative, the Controller may authorize advance payment of approved expenses. Payments under this section are subject to approval by the Controller and the Human Resources Director (except for SFMTA, where the approval is the Controller and Director of Transportation). This amount shall be indexed to the growth rate in the Consumer Price Index – All Urban Consumers (CPI-U), as reported by the Bureau of Labor Statistics for the San Francisco Metropolitan Statistical Area from February to February of the preceding fiscal year.

## Section 2.3. SUPPLEMENTATION OF MILITARY PAY.

A. In accordance with Charter Section A8.400(h) and in addition to the benefits provided pursuant to Section 395.01 and 395.02 of the California Military and Veterans Code and the Civil Service Rules, any City employee who is a member of the reserve corps of the United States Armed Forces, National Guard or other uniformed service organization of the United States and is called into active military service in response to the September 11th, 2001 terrorist attacks, international terrorism, conflict in Iraq or related extraordinary circumstances, or to provide medical or logistical support to federal, state, or local government responses to the COVID-19 pandemic, shall have the benefits provided for in subdivision (B).

B. Any employee to whom subdivision (A) applies, while on military leave, shall receive from the City the following supplement to their military pay and benefits:

1. The difference between the amount of the individual's gross military pay and the amount of gross pay the individual would have received as a City employee, had the employee worked the employee's regular work schedule (excluding overtime unless regularly scheduled as part of the employee's regular work schedule).
2. Retirement service credit consistent with Section A8.520 of the Charter.
3. All other benefits to which the employee would have been entitled had the employee not been called to eligible active military service, except as limited under state law or the Charter.

C. As set forth in Charter Section A8.400(h), this section shall be subject to the following limitations and conditions:

1. The employee must have been called into active service for a period greater than 30 consecutive days.

2. The purpose for such call to active service shall have been to respond to the September 11th, 2001 terrorist attacks, international terrorism, conflict in Iraq or related extraordinary circumstances, or to the COVID-19 pandemic, and shall not include scheduled training, drills, unit training assemblies or similar events.

3. The amounts authorized under this section shall be offset by amounts required to be paid pursuant to any other law, so there are no double payments to the employee.

4. Any employee receiving compensation under this section shall execute an agreement providing that if the employee does not return to City service within 60 days of release from active duty (or if the employee is not fit for employment at that time, within 60 days of a determination that the employee is fit for employment), then the compensation described in Sections (B)(1) through (B)(3) shall be treated as a loan payable with interest at a rate equal to the greater of (i) the rate received for the concurrent period by the Treasurer's Pooled Cash Account or (ii) the minimum amount necessary to avoid imputed income under the Internal Revenue Code of 1986, as amended from time to time, and any successor statute. Interest shall begin to accrue 90 days after the employee's release from active service or return to fitness for employment. Such loan shall be payable in equal monthly installments over a period not to exceed 5 years, commencing 90 days after the individual's release from active service or return to fitness for employment.

5. This section shall not apply to any active duty served voluntarily after the time that the employee is called to active service.

#### Section 2.4 CITY EMPLOYEES SERVING ON CHARTER-MANDATED BOARDS AND COMMISSIONS, OR BOARDS, COMMISSIONS AND COMMITTEES CREATED BY INITIATIVE ORDINANCE.

A. City employees serving on Charter-mandated boards and commissions, or boards, commissions and committees created by initiative ordinance, shall not be compensated for the number of hours each pay period spent in service of these boards and commissions, based on a 40-hour per week compensation assumption.

B. City employees covered by this provision shall submit to the Controller each pay period a detailed description of the time spent in service, including attending meetings, preparing for meetings, meeting with interested stakeholders or industry, and writing or responding to correspondence. There is a rebuttable presumption that such employees spend 0.25 of their time in service of these duties. This information shall be made publicly available pursuant to the Sunshine Ordinance.

C. This provision shall not apply to City employees whose service is specified in the Charter or by initiative ordinance, nor shall it apply to City employees serving on interdepartmental or other working groups created by initiative of the Mayor or Board of Supervisors, nor shall it apply to City employees who serve on the Health Service Board, Retiree Health Care Trust Fund Board, or Retirement Board.

#### Section 2.5 STIPEND FOR PLANNING COMMISSIONERS FOR ATTENDANCE AT PLANNING COMMISSION MEETINGS.

Annual Salary Ordinance Fiscal Years 20221-232 and 20232-243

Each commissioner serving on the Planning Commission may receive full stipend for that commissioner's attendance at each meeting of the Commission, as enumerated and included herein, if the commissioner is present at the beginning of the first action item on the agenda for such meeting for which a vote is taken until the end of the public hearing on the last calendared item. A commissioner of the Planning Commission who attends a portion of a meeting of the Planning Commission, but does not qualify for full stipend, may receive one-quarter of the stipend available for the commissioner's attendance at each meeting of the commission, as enumerated and included herein.

EXPLANATION OF SYMBOLS.

The following symbols used in connection with the rates fixed herein have the significance and meaning indicated.

- B. Biweekly.
- C. Contract rate.
- D. Daily.
- E. Salary fixed by Charter.
- F. Salary fixed by State law.
- G. Salary adjusted pursuant to ratified Memorandum of Understanding.
- H. Hourly.
- I. Intermittent.
- J. Rate set forth in budget.
- K. Salary based on disability transfer.
- L. Salary paid by City and County and balance paid by State.
- M. Monthly.
- O. No funds provided.
- P. Premium rate.
- Q. At rate set under Charter Section A8.405 according to prior service.
- W. Weekly.
- Y. Yearly.